IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 824 OF 2005

Maruti Ramchandra Shinde & Ors. ...Petitioners

Versus

Nalini Naresh Kumta & Anr ...Respondents

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Mr. T. Dalvi, Advocate for Petitioners

Mr.R.S. Raymohd i/b Raymohd & Co. for Respondent No.1.

Mr. M.S. Mhambray, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 5TH JULY, 2005

P. C.:-

1. Heard both sides.

2. The petitioners have prayed for quashing of process issued against them under Section 500 of I.P.C. by the learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai in case No. 1375/S/2003 (now transferred and re-numbered as 75/SS/2005 40th Court, Girgaon, Mumbai). The learned advocate for the petitioners on instructions states that she does not wish to press the said prayer and instead she prays that the petitioners may be granted exemption from personal appearance before he trial Court.

3. The learned advocate for the respondent i.e. original complainant states that the matter is kept for recording of plea on 18.7.2005 and hence, he has strong objection to the petitioners being granted exemption from personal appearance before the trial Court on 18.7.2005. The learned advocate for the petitioners fairly states that on 18.7.2005 the petitioners shall remain present before the trial court and thereafter, exemption may be granted to the petitioners till the conclusion of trial.

4. Looking to the above facts, the petitioners shall remain present before the trial Court on 18.7.2005. However, thereafter the petitioners are granted exemption from personal appearance before the trial Court till the conclusion of trial, unless the learned Magistrate is of the opinion that their presence is absolutely necessary, in such case on notice being given to the petitioners, the petitioners shall remain present before the trial Court on the date indicated in the notice.

5. Writ petition is disposed of in terms of the above order.

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